

**REMARKS-General**

1. Upon review of the original specification and in light of the observation of the Examiner noted in the above Office Action, the applicant has submitted amended specification which is deemed to more clearly and distinctly describe the subject matter of the instant invention, and which provides full antecedent basis to the amended claims. No new matter has been included.

2. The independent claim 1 and dependent claims 5 and 6 have been amended to incorporate all structural limitations of the original claims 1, 5 and 6 and include further limitations previously brought forth in the disclosure respectively. No new matter has been included. The amended claims 1, 5 and 6 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

**Response to Rejection of Claims 1 to 16 under 35USC112**

3. The applicant submits that the claims 1 to 16 as amended particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

**Response to Rejection of Claims 1 to 16 under 35USC102**

4. Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States."

5. In view of 35 U.S.C. 102(a) and (b), it is apparent that a person shall not be entitled to a patent when his or her invention was patented in a foreign country before the invention or in this country more than one year prior to the date of the application for patent in the United States. However, the Japanese '030 patent, the Saito patent and

the Cirami patent and the instant invention are **not the sam invention** according to the fact that each of the Japanese '030 patent, the Saito patent and the Cirami patent is a disposable lighter that comprises no piezoelectric unit to generate sparks. Each of the cited arts, the Japanese '030 patent, the Saito patent and the Cirami patent, merely provides a striker wheel rotatably mounted on a frame for being rotated to strike against a flint to produce sparks toward the gas nozzle directly. As claimed in claims 1 to 16 as amended of the instant invention, the utility lighter contains no striker wheel and flint. Instead, the utility lighter of the instant invention comprises a **piezoelectric unit** having a movable part, a pusher button supported in said pusher cavity in a **movable manner and operatively connected to the piezoelectric unit**, a **tubular lighter rod**, and a **gas tube extended from the gas-emitting nozzle to a top end portion of the lighter rod to form an ignition tip**. None of the cited arts contains such components.

6. Accordingly, none of the claims of the Japanese '030 patent, the Saito patent and the Cirami patent reads upon the instant invention and the independent claim 1 of the instant invention does not read upon neither the Japanese '030 patent, the Saito patent nor the Cirami patent too. Apparently, the instant invention, the safety devices disclosed in the Japanese '030 patent, the Saito patent and the Cirami patent can not be equipped in a utility patent as claimed in the instant invention. In other words, neither the Japanese '030 patent, the Saito patent nor the Cirami patent anticipates what is claimed in the instant invention. Applicant believes that for all of the foregoing reasons, the claims 1-16 as amended are in condition for allowance and such action is respectfully requested.

#### **The Cited but Non-Applied References**

7. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

8. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection and rejection are requested. Allowance of claims 1 to 16 at an early date is solicited.

9. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.



Respectfully submitted,

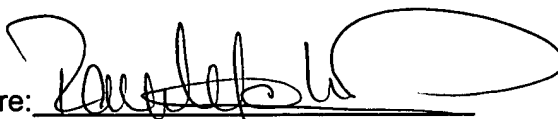
A handwritten signature in black ink, appearing to read "Raymond Y. Chan", written over a horizontal line.

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#### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by Express Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: October 27, 2003

Signature:   
Person Signing: Raymond Y. Chan

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